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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,022	04/26/2005	Thomas Schmidt	502901-335	2198
27799 7590 09/18/2009 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER WEINSTEIN, LEONARD J				
ART UNIT 3746		PAPER NUMBER		
MAIL DATE 09/18/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,022

Applicant(s)

SCHMIDT, THOMAS

Examiner

LEONARD J. WEINSTEIN

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment of July 21, 2009. In making the below rejections and/or objections the examiner has considered and addressed each of the applicant's arguments.
2. The examiner acknowledges that claim 3 has been canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama et al. US 5,941,730 in view of Zoell et al. US 6478613. Uchiyama teaches all the limitations as claimed for a connection piece for a fuel pump/tank application including: **[claims 1 and 3]** a connection piece (22, 23, 25) comprising a receiving device 22, and a plug 1 arranged in the receiving device 22, the plug 1 having electrical contacts 8 for connecting to an electric device such as a motor

of the fuel pump (Uchiyama - col. 1 ll. 9-12; col. 6 ll. 50-55) to a mains supply and an integrally formed, circumferential sealing lip 27 which includes a region that is oriented toward the electrical contacts 8 and which seals (via contact with element 3 as shown in figure 7) the plug 1 against the receiving device 22; **[claim 2]** a connection piece (22, 23, 25) wherein the sealing lip 27 is arranged on the plug 1 in a region of a bushing 41 of the electrical contacts 8; **[claim 6]** and connection piece (22, 23, 25) defines a recess (as defined by space surrounded by element 25), said an edge 3 around said electrical contacts 8, said recess (area defined by element 25) receiving said edge 3 (via element 27) and said circumferential sealing lip 27 surrounding said recess (area defined by element 25) on an inner side of said connection piece (22, 23, 25).

In the alternative Uchiyama may also be interpreted whereas to teach the limitations for a connection piece for a fuel pump/tank application including: **[claims 1 and 3]** a connection piece (22, 23, 25) comprising a receiving device 22, and a plug 1 arranged in the receiving device 22, the plug 1 having electrical contacts 8 for connecting to an electric device such as a motor of the fuel pump (Uchiyama - col. 1 ll. 9-12; col. 6 ll. 50-55) to a mains supply and an integrally formed, circumferential sealing lip 33 which includes a region 34 that is oriented toward the electrical contacts 8 and which seals (via contact with element 30; see figure 1) the plug 1 against the receiving device 22; **[claim 4]** and wherein the sealing lip 33 is elastically deformable, as shown in figure 6.

Uchiyama fails to teach the limitation that is taught by Zoell for a plug that is extrusion coated with plastic. It would have been obvious to one of ordinary skill in the

art at the time of the invention was made to have coated the plug of Pryce with plastic as taught by Zoell to protect the parts from the fuel (Zoell - Abstract).

Response to Arguments

6. Applicant's arguments filed July 21, 2009 have been fully considered but they are not persuasive. With respect to the rejection of claim 1 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama et al. US 5,941,730 in view of Zoell et al. US 6,478,613, the applicant argues that Uchiyama does not teach a connection piece with a plug provided with an integrally formed receiving device. The applicant argues that Zoell does not teach a sealing lip and cure the deficiencies of Uchiyama. The examiner maintains that Zoell was not relied upon to teach a sealing lip and maintains that this limitation is taught by Uchiyama as discussed above.

Response –

a. The examiner notes that the limitations as claimed include "[a] connection piece comprising . . . a receiving device; and a plug. . . ." The limitations claim a connection piece that is an assembly comprising a receiving device and a plug wherein a plug has an integrally formed sealing lip. The term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding (in re Hotte (C.C.P.A.) 157 U.S.P.Q. 326); the term is not necessarily restricted to a one-piece article (in re Kohno (C.C.P.A.) 157 U.S.P.Q. 275); and may be construed as relatively broad (in re Dike (C.C.P.A.) 157 U.S.P.Q. 581). The limitations are directed toward an assembly comprising two parts that are connected together, therefore since by definition the two

components can be considered as integral to the other, the features of one component by derivative are integral to the other component. The examiner identified element 27 of Uchiyama as being a sealing lip. Uchiyama teaches a assembly comprising holding sleeve 24 and plug 1 held together by a clip 33 wherein an engaging part 27 engages an o-ring and lip portion of the connection body 5 of the plug 1. Given the broadest reasonable interpretation, the holding sleeve and plug form an integral structure; by their connection with the other the features of a holding sleeve 24 are integrally formed on the plug 1 and vice versa.

b. The examiner also notes that after further consideration of the body 5 of the plug 1, it is apparent that the flange like portion of the body 5 which abuts an o-ring 41 which engages an engaging part 27, in and of itself constitutes a sealing lip. Therefore viewed in this light Uchiyama teaches a sealing lip that is formed on a body of a plug and a sealing lip that is integrally formed on a plug by its connection to a holding sleeve with which the plug forms an integral structure.

7. The applicant argues that Zoell does not teach a sealing lip and cure the deficiencies of Uchiyama. The examiner maintains that Zoell was not relied upon to teach a sealing lip and maintains that this limitation is taught by Uchiyama as discussed above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD J. WEINSTEIN whose telephone number is (571)272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746

/Leonard J Weinstein/
Examiner, Art Unit 3746